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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	Examiner: Lugo, Carlos
)	
TORRES ET AL.)	
)	Group Art Unit: 3677
Serial No.: 09/919,326)	
)	
Filed: July 31, 2001)	
)	Docket No.: DP-303536
For: HIGH PRESSURE SEAL)	

APPELLANT'S REPLY BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 CFR § 41.41 enclosed please find a Reply Brief in response to the Examiner's Answer of October 28, 2005.

The Examiner has withdrawn the final rejection of Claims 5, 7, 8 and 13-15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,792,416 to Moulin and now relies solely on the final rejection of Claims 5, 7-11 and 13-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,540,450 to Hayashi et al.

The withdrawn Moulin '416 patent, which is in the electrical connector art, represents the precise problem of the prior art that the invention overcomes, namely, the possible wrinkling of the seal flange as explained in paragraphs in the Background of the Invention which is set forth from page 1, line 10 through page 3 line 28 of the patent application specification.

As stated in Appellant's Brief, the Hayashi '450 patent is more or less the same as the Moulin '416 patent that represents the precise problem of the prior art that the invention overcomes, namely, the possible wrinkling of the seal flange as explained in the Background of the Invention set forth from the patent application specification.

The Examiner recognizes that the Moulin '416 patent does not disclose that the "sealing surface has substantially the same shape as the interior surface of the cavity prior to insertion into the cavity". See page 4, 5th paragraph of the Office Action mailed June 3, 2004.

However, the Examiner now holds that in Hayoshi, the "sealing surface of the skirt (16a) has substantially the same shape of interior surface of the cavity at (1)" because both surfaces are round. See page 6, lines 17-21 of the Examiner's answer. This new position of the Examiner is contrary to his earlier admission that the Moulin '416 patent does not disclose that the "sealing surface has substantially the same shape as the interior surface of the cavity prior to insertion into the cavity". Note both surfaces of the Moulin '416 patent are also round.

Moreover, the Examiner maintains that the "sealing surface of Hayashi's device deforms only a small amount". This is contrary to the specification as well as the drawing of the Hayashi '450 patent.

A copy of Figure 1 of the Hayazhi '450 patent is attached. According to the Hayoshi specification, "The outside diameter (R2) of the rear end of the outer cylinder 16 is **much larger** than the inside diameter of the seal cylinder 1. (Emphasis added.) See column 4, lines 14-16 of the Hayashi '450 patent that the Examiner relies on.

Moreover, the Figure 1 of the Hayashi '450 patent illustrates a configuration where that the outside diameter (R2) is about 1.375 inches while the inside diameter (R1) is about 1.125 inches. Thus the sealing surface of the Hayashi '450 patent deforms about .250 inches or about 18%. This is hardly a small amount.

The Examiner's rejection of claims 5, 7-11 and 13-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,540,450 to Hayashi et al clearly should be reversed.

The Commissioner is hereby authorized to charge any deficiencies, or credit any overpayment associated with this communication to Deposit Account No. 50-0852. A duplicate copy of this sheet is enclosed.


CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, Virginia 22313, on December 22, 2005.


Noelle Schultz

Respectfully submitted,

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BARNES, KISSELLE, P.C.


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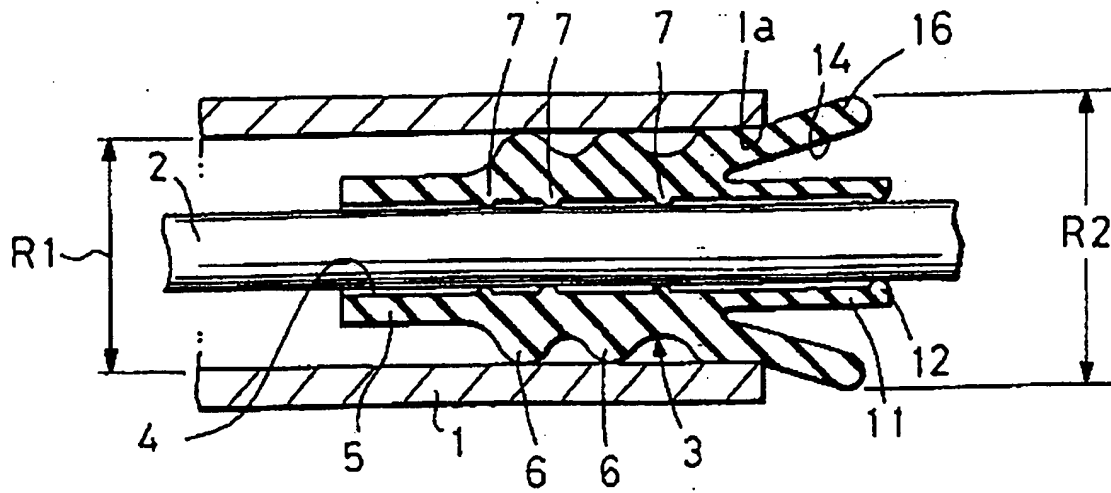


EXHIBIT 1